

Additional/Revised Information

Agenda Item #	7
Meeting Date	March 8, 2004
Prepared By	Alfred D. Lott, Director Public Works
Approved By	Richard M. Finn, City Mgr.

Discussion Item	Utility Cuts into City Roadways
Additional/ Revised Information	<p>1. In recent years the City has spent hundreds of thousands of dollars renovating its roadways. Two example are the recently annexed, (formerly P.G. County) vicinity of Pinecrest area street and sidewalk renovation project and the collaborative water main renovations (Birch, Barclay, Maple) with WSSC. On March 1, 2004 , the City Council directed staff to plan for \$700,000 in roadway renovations and possibly another \$500,000 from FY 2005's budget. The City also will be considering financing the remainder of the roadways in need of renovation listed in the Street Study.</p> <p>2. A major point of frustration for the City and its residents occurs when the regional utility companies (Washington Gas, WSSC, PEPCO, and Comcast) make work-related utility cuts into recently renovated streets. Often this situation is worsened when the disturbance affects a major portion of the roadway, and the ensuing repair severely degrades the condition of the roadway. Even the so-called “minor” utility cuts are problematic because of the poor, non-standard quality of work of the patching. In summary, the utility companies do not return City roadways to their condition prior to the utility cut.</p> <p>3. Staff has been working on the idea of proposing revisions to the City’s “Streets” law (Chapter 11 of the <u>Takoma Park Code</u>) that could be used to compel the utility companies to:</p> <ul style="list-style-type: none"> a. Plan ahead and coordinate scheduled maintenance in accordance with the City’s renovation plans. b. Repair and possibly renovate the roadway in question based on time from the last renovation and amount of disturbance. This rule should also apply to emergency work. c. Conduct patching and related repairs in accordance with specific industry standards which would be spelled out forth in the legislation. <p>4. Currently, the <u>Takoma Park Code</u> requires any person, including any utility company, before cutting any road or public right-of-way, to obtain a permit from the City. In the event of an unexpected repair or emergency, the utility company may proceed with the repair and emergency response work as needed, but the utility is supposed to then notify the City of the repair and emergency work and obtain a permit for such work as soon as possible. <u>See</u> Ordinance No. 1997-14 (amending Sec. 11-15, Permit required for grading or construction). For the most part, utilities have been applying for and receiving permits from the City for utility construction</p>

	<p>and repair work in the public roadway. However, the “emergency repairs” exemption is frequently claimed by utility companies. (Please note: there are state law provisions which restrict the City’s power to require permits for and to regulate WSSC’s entry onto public roadways in the City for the purpose of installing, maintaining, and operating the WSSC system—see Annotated Code of Maryland, Article 29, Title 10, Highways and Streets, § 10-101 (attached).</p> <p>5. The City has adopted administrative regulations creating Standards for Right-of-Way Disturbance. See Administrative Regulation No. 97-1 (effective May 1997). These administrative regulations adopt by reference the “1997 Montgomery County Specifications for Utility Construction Permit.” However, the City regulations have not been publicized to the utility companies or enforced.</p>
Policy	The City desires to enact and enforce standards for cuts into City roadways that will require utility companies to repair and leave the roadways in the same or a superior condition to that existing before the roadway was cut by the utility company.
Fiscal Impact	
Attachments	<ol style="list-style-type: none"> 1. Proposed wording for an amendment to <u>Takoma Park Code</u>, Section 11-15(b). 2. Ordinance No. 1997-14. 3. <u>Annotated Code of Maryland</u>, Article 29, Washington Suburban Sanitary District, Title 10, Highways and Streets, § 10-101, Commission’s entry on public roadway.
Recommendation	That the City Council consider passing an Ordinance that requires utility companies to meet and follow the requirements listed in Attachment 1 when they cut into the City’s roadways.
Special Consideration	